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FILED

AUG 25 2015

**SECRETARY, BOARD OF
OIL, GAS & MINING**

Attorneys for Utah Division of Oil, Gas and Mining

BEFORE THE UTAH BOARD OF OIL, GAS AND MINING

In the matter of: reclamation at the Elite
Rock-West mine, permit no.
S/049/050, operated by Wasatch
Mountain Excavating, located
southwest of Elberta in the
southwestern Utah County, Utah

MOTION TO CONTINUE

Docket No. 2015-023
Cause No. S/049/0050

The Utah Division of Oil, Gas and Mining moves the Utah Board of Oil, Gas and Mining to continue the Elite Rock–West matter, docket no. 2015-023, until the regularly scheduled hearing on September 16, 2015. The underlying Notice of Agency Action is an action to forfeit a reclamation surety held for the Division’s benefit and to use the forfeited funds to conduct reclamation at the Elite Rock–West mine site. The grounds for the continuance follow.

1. The Respondent, Wasatch Mountain Excavating, recently retained counsel in this matter. However, counsel did not have an adequate opportunity to prepare for the hearing scheduled for August 25, 2015.
2. Division’s counsel discussed the underlying issues in this cause with Respondent’s counsel. Based on that conversation, the Division is

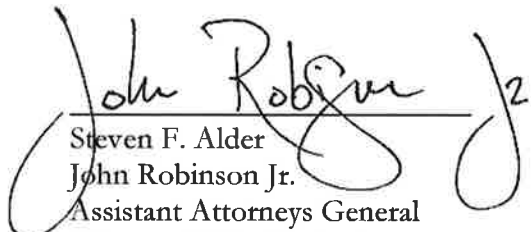
encouraged that the parties involved, including the surface landowner, will be able to negotiate an agreement that avoids forfeiture litigation.

3. Even if the Division cannot facilitate an agreement, moving forward with forfeiture at the September hearing will still allow the Division enough time to reclaim the mine site this year (weather permitting).

The Division submits that these reasons show good cause to continue the hearing in this matter until September 16, 2015.

Respectfully submitted on the 25th day of August, 2015.

UTAH OFFICE OF THE ATTORNEY GENERAL



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Certificate of Service

I certify that I caused to be served the above **Motion to Continue** to the following parties by email on 25 August, 2015:

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